

COUNCIL REQUEST FOR DECISION

MEETING DATE: November 20, 2023

SUBMITTED BY: D. Melvie, General Manager, Community and Protective Services

PREPARED BY: C. Chisholm, Manager, RCMP Administration and Enforcement Services

REPORT TITLE: Bylaw No. 1163-2023 - Amendments to Bylaw No. 580-2004 – Animal Licencing and Control Bylaw (1st Reading)

EXECUTIVE SUMMARY

This report brings forward amendments to Animal Licencing and Control Bylaw No. 580-2004 (the “Bylaw”) which provides additional measures to improve public safety following a dog attack.

RECOMMENDATION

That Council give Bylaw No. 1163-2023 first reading.

COUNCIL HISTORY

The Bylaw was last amended on May 27, 2019.

BACKGROUND / RATIONALE

Recent dog attack incidents in the community have prompted Administration to consider Bylaw amendments that could, if enacted, serve as enforcement tools that would enhance public safety.

Under the current Bylaw, a dog may be considered a “restricted dog” in two circumstances:

- following a conviction of an offense relating to an incident where the dog has attacked a person or other animal. For the purposes of the Bylaw, payment of a violation ticket amount or a finding of guilt (either a guilty plea or a finding of guilt at trial) is considered a conviction.
- where a dog has been made the subject of an order under the provincial *Dangerous Dogs Act* (the “Act”).

When off the owner’s property, a restricted dog is required to be muzzled, under control and on a leash not exceeding two meters in length. When outdoors on the owner’s property, a restricted dog must be penned or chained. The owner is also required to have liability insurance of one million dollars and must obtain a restricted dog licence from the City.

Proceedings under the Act normally follow a severe dog attack - a Justice may order a dog to be destroyed or may place conditions on how a dog is to be kept. Proceedings under the Act require the owner to be served a summons with a first appearance court date normally set four to six weeks later. As with the Bylaw, there are no restrictions on how the dog is to be kept until the matter is heard by the courts.

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If an individual pleads not guilty to a charge under the Act, there could be a (further) lengthy delay before a trial is held.

The ability to place conditions on care and management of dogs, where warranted prior to trial, would better protect the community while the matter is before the courts. The proposed Bylaw amendments allow for a dog to be classified as “restricted” prior to a conviction and include an appeal process in reference to that classification. In addition, a seizure process for up to 21 days (or longer if ordered by the Court) for a dog involved in a serious attack is proposed which will allow for immediate protection to the public while the matter is under investigation and charges are being prepared.

There are numerous municipalities in the region that have provisions in place which are similar to the proposed amendments to the Bylaw.

STRATEGIC / RELEVANT PLANS ALIGNMENT

Amendments to the Animal Licencing and Control Bylaw relate to Goal One - a City where people want to live, work and play and promotes a safe and healthy community.

ORGANIZATIONAL IMPLICATIONS

ADMINISTRATION:

Leduc Enforcement Services would be responsible for enforcement of the proposed amendments.

RISK ANALYSIS: FINANCIAL / LEGAL:

As with all Bylaws, there is always the risk of an individual requesting a trial and the city bearing the cost relating to prosecution of the bylaw. Expenses relating to seizures would be the cost of the owner of the dog.

IMPLEMENTATION / COMMUNICATIONS:

A media release following approval by Council will be required considering the recent animal attacks in Leduc.

ALTERNATIVES:

1. Make further changes to the proposed amendments or add additional provisions under the bylaw.

ATTACHMENTS

Bylaw No. 1163-2023 - Amendments to Bylaw No. 580-2004 – Animal Control and Licencing Bylaw